

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

AUG 27 2016

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

Elia Castaneda

PRINCIPAL

YOB: 1985

United States Citizen

CRIMINAL COMPLAINT

Case Number:

M-16- 1589 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 26, 2016 in Starr County, in the Southern District of Texas defendants(s) did,

(*Track Statutory Language of Offense*)

knowing or in reckless disregard of the fact Benito Torres-Cruz and David Barragan-Luna, both citizens and nationals of Mexico, along with one (1) other undocumented aliens, for a total of three (3), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Fronton, Texas to the point of arrest near Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
 I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On August 26, 2016, Border Patrol Agent (BPA) Peterson was following fresh foot sign that led him near a residence notoriously known for both alien and narcotic smuggling. BPA Peterson followed the foot sign in the direction of the residence, he witnessed a Kia Optima white in color exiting the residence and headed north toward Highway 83. Agent Peterson alerted, via service radio, nearby agents of a possible load vehicle heading north of FM 650 towards Highway 83. Border Patrol units were not available to conduct an immigration inspection, so the vehicle continued traveling north towards Highway 83.

At approximately 10:15 a.m. on August 26, 2016, DPS Trooper Hanson, and CID Agent Aguirre, aware of the callout by Border Patrol, observed a 2004 Kia Optima traveling eastbound on Highway 83 near the intersection of Lopez Street in Escobares, TX. The vehicle matched the description BPA Peterson had observed.

Continued on the attached sheet and made a part of this complaint:

Yes No



Signature of Complainant

Nicolas Cantu, Jr. Senior Patrol Agent

Printed Name of Complainant

McAllen, Texas

City and State



Signature of Judicial Officer

Sworn to before me and subscribed in my presence,

August 27, 2016

3:52 pm

at

Date

Peter E. Ormsby

U. S. Magistrate Judge

Name and Title of Judicial Officer

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RE: Elia Castaneda

CONTINUATION:

DPS Trooper Hanson observed the white Kia make an abrupt left turn from Highway 83, and park at a store. DPS Trooper Hanson conducted a consensual encounter of the vehicle and advised the driver, identified as Elia Castaneda, she was free to go and she was not detained. Trooper Hanson asked Castaneda if he could see her driver license. Castaneda did not have her driver license because it was suspended due to unpaid surcharges. Trooper Hanson issued a written warning to Elia Castaneda for failure to display driver license and driving while license invalid. Trooper Hanson observed a subject in the front passenger seat, and two subjects in the rear seats that appeared to be nervous and avoided eye contact.

BPA Flores and Dee responded to the Texas Department of Public Safety traffic stop at approximately 10:20 a.m. BPA Flores questioned all four occupants as to their citizenship and immigration status in the United States. Castaneda claimed to be a United States citizen. The three passengers admitted to being in the country illegally and were not in possession of any legal documentation permitting them to enter or stay in the United States legally.

All four subjects were placed under arrest and transported to the Rio Grande City Border Patrol Station for further processing.

Principal Statement

Elia CASTANEDA was read her Miranda Rights. She understood her rights and provided a sworn statement without the presence of an attorney.

CASTANEDA stated she was told by a Man to pick up three subjects at his house and take them to El Tigre store located on FM 649 and Highway 83. Once the aliens were in the car, she asked them where they were going and they told her New York. She knew that they were illegal aliens when they told her where they were going. She was not going to get paid by the Man but was only doing a favor for him. She always does favors for the Man, and he gives her money when she asks for it, which is usually about \$500 USD a week. She has been caught with illegal aliens in the past.

Material Witness Statements

Benito TORRES Cruz and David Barragan-Luna were read their Miranda Rights. They understood their rights and provided a sworn statement without the presence of an attorney.

TORRES, a citizen of Mexico, stated he made arrangements with a smuggler from Miguel Aleman, Tamaulipas, Mexico. He paid \$8000.00 USD to be smuggled to the United States. Once at the river, some men crossed him into the United States on August 25, 2016. There

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were three people in his group. The Guide told them to walk north and use the aerostat and an antenna as a reference point until they got to a road, and then wait for a vehicle. The Guide told them the vehicle would drive very slowly. They waited for about nine hours. A white vehicle then showed up and the female driver drove slowly just as the guide told them. Once inside the car he sat in the rear passenger seat. After about 5 minutes of driving, a State Trooper started to follow them and the driver pulled over into a store parking lot on her own. TORRES identified the driver as Elia Castaneda through a photo lineup.

BARRAGAN, a citizen of Mexico, made his smuggling arrangements with a man and crossed into the United States illegally using a raft. He paid \$300 Mexican pesos to the man to help him cross the river. He also had to pay an additional amount to be smuggled to New York. BARRAGAN identified Elia Castaneda as the driver through a photo lineup.